Preserve

App. F. IX-4

1931.

Previous References

Mog 55-23-1547 10 (Mizpur)
25—3,6,11,12—
19-28 Vol 1-4

Later References.

Mog 197-36-1-2—
Draw 257-41-41-9.

File No. 150-31

Serial Nos. 1—8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 8

Part B for May 31

SUBJECT.

Re recovery of the advance paid to messrs Chitragar Lakshmiah & Sons for preparing a car for the Sri Kalaseswara Swami Temple at Kalasa.

To. The Mys Comr
" ~~Engineer~~ & Comptroller
" Chief Engr —

1447 & ff 4 of 31 —

Direction called for the estimated loss

Mis No. 1316 & 1317 ... from the Local Offic

P.W.D. ... responsible for the loss of Rs 618.

WD 01965—GPB—15,000-37-7-34

App. [illegible]

General and Revenue Secretariat — File No. [illegible] of 1931.

Serial No

D O letter no 3184 dated the 26th Sept 1931 from the Chief Engineer of Mysore reporting that the Superintending Engineer had been requested to take action in respect of the recovery of the advance amount paid to Messrs Chikkaraja Lakshmiah & Son for preparing a car for the Sri Kalasanna Swamy temple at Kalasa and that the ~~Dy~~ Mysore Commr had been intimated to request the Deputy Commr to have the car prepared through a separate agency.

2) Kind reference is invited to letter no 11031 dated the 23rd June 1928 from the Chief Engineer to the Mysore Commr (para 3) wherein it is reported that

(1) the body of the proposed car has been built,

(2) Eight figures of Ananta Padakas have nearing completion and

(3) Four lion figures have nearing

NOTE—Contn Sheet

WD 02553—50,000—GPB—8-7 30

N1 in Mysore File (G-28 861-4. page 13.

Irrig File No 150 of 1931. General and Revenue Secretariat

2 In his letter dated 6th May 1930 Mr. Lakshmiah has requested the Chief Engineer that in case it is not possible to grant him a further advance to enable him to proceed with the heavy arrangements may be made for taking delivery of the portion of the canal that is ready, and pay him the amount in excess of the advance already received by him. Flag A in Irrig File 407-28 Pgs 7, 14, 22 & c. (Page 8)

3 At para 3 of his unofficial note dated 7/11/30 the Chief Engineer has reported that that the contractor is heavily involved and that his property has been attached by the Bangalore Bank. Flag B page 11 of the same file

4 In the P.O.D., the Chief Engineer reports that the Deputy Engineer has been instructed to take action to recover the advance paid to the contractor

No Cert.

General and Revenue Secretariat | File No. 15-D of 1931.

Serial No.

and that the Inspection Commissioners had been asked to ~~take~~ arrange with the Dy Comm to have a car prepared thro' some other agency. 5 It is reported that the car work done so far was satisfactory and good seasoned wood had been used for the work. It is also reported that the ~~the~~ prospects of the Contractor had been otherwise dispirited. ~~It~~ It is therefore for orders whether it would not be desirable to take delivery ~~of the cars~~ of such portions of the work so far as has been executed so far, by negotiating with the Contractor himself, as suggested in his letter dated 6th January 1930 to the Chief Engineer and ~~proceed~~ instruct the work of completing it to some other Contractor.

P

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7-30

306.

Bmm File No. 15C of 1931.

General and Revenue Secretariat

instead of proceeding against institutin legal proceedings against him, when it is almost known that he does not possess any property at all.

6 In this connection kind reference is invited to Mihir Kumar Sen's letter No 1116/27-2x dated the 10th/11th Sept 1930 forwarding a report and of its enclosure, containing information about the cost (estimated) of getting Cases made by another Contractor the advance he requires to undertake the work.

Submitted for orders

C.E. Mtk 29/9/31

H. Secy) VS 30.9.31

7 Pl arrn ask the C. E. to obtain the S. E's report and send it up very early.

h 30.9.31.

VS

Your orders have issued that action hereby may be taken after making sure that the amount can be got back from the party. Whether the incomplete car work can be attached and made over to some other party for completion is a point for advice by the Law Deptt and whether the Imperial Bank have not attached this also has to be ascertained as a matter of fact by the Engg. Deptt

Flag S.

App. E. 111

General and Revenue Secretariat

File No. 150 [illegible]

Serial No.

8 D/cr as /acc order
Encld for initial
GB MSR
1/10/31

1 Issue
VS
1.10.31

[illegible]
7.10.31.

DO letter No 501/Insp dated the 6th Oct 1931 to the Chief Engineer requesting him to obtain the Superintending Engineer's further report in the matter and send it up very early.

Letter No 1700/27-28 dated the 7th/8th Oct 1931 from the Inspector General requesting that the Chief Engineer has been requested to intimate if an entirely new car had to be built for the Madura temple or if the one partly burnt by Messrs Chettinad car Lakshmi and Co. is available, and that can be [illegible]

NOTE.—Contn. Sheet

WD 02553—50,000—GPB—8-7

Inwy File No. 150 of 1931. | General and Revenue Secretariat

Further reply called for. A further report should be submitted to Govt. in order that the proposal. Further report will be necessitated, if agreed. C.E. 11 The file may perhaps be 10/10/31 referred to the Chief Engineer, ~~that he may~~ for favour of his information regd. by the M.C. and also on the steps taken by the Supdg. Engr. in the matter of proceeding against the defaulting Contractor

Asst 10/10/31 H. Secy)

3692

13.10.31

12 Forwarded to the Chief Engineer with Compliments for favour of his advice on the points involved

h 9.10.31.

13 The latest report stated that the original contractor's property including the half-finished car have been attached by the Bangalore Bank. Legal advice has been sought for whether Govt have no priority of claim for the car as it has been done on their order & from advances given specifically for that purpose. The Municipality reports that the Municipality has no other property

H (Secretary with compts) 20/10/31

14 For perusal 2nd Member h 20/10. JPV 22/10

OFFICE OF THE SECOND MEMBER OF COUNCIL
22 OCT. 1931
No. 1434

General and Revenue Secretariat | File No. 156 of 1931.

Serial No.	
	If advanced Inventories report may be executed GBPM 22/10/31 VS 23.10.31

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

File No. of 193 .

General and Revenue Secretariat

Rs 3458 D No. 512 24.11.31 1 2

PUBLIC WORKS SECRETARIAT.

Bangalore, 24th Novr. 1931.

Muz 150-31

24.11.31 169

Dear Sir,

With reference to your D.O.letter No.721/Muz.407-28 dated the 20th Novr. 1931 regarding the car for the Kalaseswaraswamy Temple, I am desired to inform you that the half-finished car has been attached by the Bangalore Bank for the amount due to them by the Contractor in addition to the workshop building owned by him and that the Superintending Engineer, Mysore Circle, has under the orders of Government, been requested to institute legal proceedings to claim the unfinished car and to recover the balance amount of the advance from the

P.T.O.,

contractor. If the unfinished car has to be utilised, the result of the legal proceedings have to be -- waited.

Yours sincerely,

V. Lakshmanachar 24.11.37

V.Subramanya Sastry, Esq., B.A.,
Assistant Secretary to Government,
General & Revenue Secretariat,
Bangalore.

17) The U.O note of the Ch. Engr states that legal advice has been sought for as to whether the Govt has priority of claim over the unfinished car. The reply under correspondence does not make this point. If asked, we may ask for definite info as to whether the Govt. thinks that Govt has a claim over the incomplete car as it is made for purposes of Govt. (Sd. H. Seey) 24/11/37.

18) To Prohibition branch for ?

11.31

19) Govt's this point in case a Engr

File No. of 193 . | General and Revenue Secretariat

... opinion was obtained
... a reference from the Chief
Engr (4591/PWD) & the file
returned to him on 3.11.31.
It is stated in accordance with that
opinion that the Asst Engr PWD
now states that instructions
have been issued
taking legal proceedings
to claim the unfinished car

Muz Br

To-

4623

136
law

380S

N. B.-- Should routine notes be written on small slips
the notes must be copied, or slips pasted on
this form.
W.L. 1880—GPB—1 50 000—2 5.21

21) Nov

20) For pay and
5/12 2nd mandy 14/11

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

General and Revenue Secretariat | File No. 152 of 1931.

Serial No.

Letter No 1716/27-28 dated the 17th/18th Dec 1931 from the Inspector General requesting for removal of Servicer, sanction of Govt to get an attached new car purchased through the Agency of the Revenue Department, for the Sri Kalaseswaraswamy temple at Kalasa, &c &c.

Submitted for orders.

22.) The following note is produced jointly for consideration: (1) The half finished car which was constructed out of the Govt advance paid to the Contractor, is stated to have been attached in part fulfilment of certain dues payable by messrs Lakshminath & sons to the Canara Bangalore Bank. The Law Dept may therefore be consulted as to whether the attachment cannot be set aside by an application to the Court, as the half finished car does not belong to the defaulting debtors, but belongs to Govt

It has to be presumed from the note of the Law Dept on the previous page that necessary action is being taken.

NOTE—Contn. Sheet.

Yours

as it was sanctioned for the amount received from Grant by him

(2) Since without numbers, the M.E. and others have discovered the Scimon that Messrs Christopher Lakeman and sons are not now resident and that there is not much hope of getting back the money. If a new loan is ordered to be contracted for, be commended. & the claim is left unpressed, the temple stands to lose the entire amount of ~~a~~ the loan paid to Jan. It is for consideration whether it will not be better to wait & see whether the half finished loan cannot be recovered and if so done to get it completed ~~either~~ by some other Agency, Municipal Syndicate authorities or by the P.W.D. from another loan Contractor.

C.B. 22/12/31

24 The Mng. Comm's assumption that it looks as though no legal

General and Revenue Secretariat | File No. 1556 of 1931. | 14

Serial No.

Steps have been taken even now does not seem warranted in view of the D.O. of the Asst Secy P.W.D of 24-11-1931. Before taking action as recommended by the S.E., it appears desirable to get information from the Chief Engr on the following points:-

(1) What is the amount (total) advanced to the Contractor?

(2) What is the value (approximate) of the unfinished car attached by the Bangalore Bank

(3) What is the opinion of the Forest officer (a copy of it may be sent to this Secty)

(4) whether the necessary proceedings have been filed before the Court and when the case is posted for trial hearing.

The observations of the S.E. in the latter half of this letter only reiterate the remarks in para 2 of the note in Mysi 407 of 28.5.1931. Whatever may have been the causes that contributed to the delay in the past, the necessity for closing the question of the unfinished car without any more delay has to be communicated to the P.W.D.

P.W.D. 23/12/31. H. Secy

23-12-31

4990 23/W U.O No. 1198 26.12.31. Forwarded to the Chief Engineer with Compliments for favour of his opinion on the enclosed, the S.E. for getting a new car prepared for the Sri Kalasa temple

with mys. 19-28-561624 407-28-561764 65- and 55-23-563, 64 & 12.

NOTE—Contn Sheet.

U.O. 188 dt 26.12.31.

24/12/31

WD 02553—G P B—50,000—8 7 30

By Bk 24/12 26/12/31

12.31 Recorded

15

Enmy File No. 150 of 1931 | General and Revenue Secretariat

26 Returned, with compliments, to the Financial Secretary to Government.

no 188 26.1.32
out one copy

2. The half-finished car has been attached by the Bangalore Bank and legal steps have been taken to claim it and to recover the balance amount of the advance from the contractor. Until this case is decided, no further action need be taken. If the un-finished car is got released, it can be completed by some other agency as otherwise money spent on it would be a waste.

h
6/1
7/1

3. The amount advanced to the contractor is Rs 2,482 and the value of the un-finished car as estimated by the Assistant Engineer no.I Sub Division to be Rs 800.

4. A copy of the Government Advocate's opinion in the matter is enclosed as desired.

5230
6/1

M. N. Ranganna
Chief Engineer of Mysore.

Bangalore,
January 1932.

V.N.S.

Inwd 1st-31 10

Opinion of the Government Advocate.

Though the mere fact that advances were paid by the Government to the contractor for preparing the car, may not entitle the Government to claim the unfinished car, there are other terms in the agreement which together with the fact that the car was prepared against such advances entitle them to claim possession of the unfinished car, e.g., clause 28 of the agreement makes provision for the inspection of the car with its several parts every quarter by an officer of the Engineering Department. That they were being so inspected from time to time is clear from the notes of the Secretary to Government, P.W.Department, dated 10th January 1925 and from para 6 of the office note supra. From these circumstances and from the letters written by the contractor it may fairly be contended that the car vested in the Government. The Government have, therefore, a fairly good case and a claim petition under Order 21, Rule 58 of the Code of Civil Procedure may be filed immediately as otherwise the Bangalore Bank which has attached the car may apply for sale of the same without delay.

(Sd) A.R.Nageswara Iyer,
Government Advocate.
2-11-1931.

"C o p y"

KJ&Ls 1/32

For Chief Engineer of Mysore.

P.T.O

Imp File No. 150 of 1931.

Serial No.

Letter No 1710/21-8 dated the 21st 22nd December 1931 from the Imperial Commissioner forwarding a copy of a letter from the Imperial Deputy Commissioner, Kadapa Dt. asking that arrangements may be made to get the car for the Kadapa temple, contending that as per the petition of Rs 2482 addressed to the Public Works Department for the execution of the work, and pursuing views of Govt orders on the matter.

2) From the unofficial note of the Chief Engineer at para 26 of the notes he says it is clear that all possible attempts is being taken to expedite the construction of the car. Dept forwarding a copy of the W.D Note of the Chief Engineer & of its enclosure to the Imperial Comm for information is sent for approval or orders.

Sd/ [illegible]
8/1/32

2-8 I think another reply on the subject was sent yesterday or so, that may also be entered in the note [illegible]

Contd

Note—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

18/

(207)

Mmz File No. 150 of 1931. | General and Revenue Secretariat

Letter No 9962 dated the 15th January 1932 from the Chief Engineer reporting that the value of the unfinished car of the Kalasa temple as estimated by the Asst Engineer, No 1 Sub Division, is Rs 1221/ as now reported by the Executive Engineer, Bangalore Division.

4335-

5539

Reject:- orders of the Asst Secy at para 2 & of the notes supra.

n/1

The letter in question just now received, is attached above & placed on file (as P.D.) 3 for information & suitably added to and returned for consideration

26 MSR 16/1/32

The draft reply to the Mmz Com^t may be approved.

Reject)

1 - Member)

Asst 20/1

S/1 22.1.32

dtm 28/1

33/ Mmz 25/1/32

dtm 25/1

TYPING SECTION 26. JAN 1932 L & REVENUE

Serial No.

Letter No 1617 dated the 26th/27th January 1932 to the Mysore Commissioner forwarding copies of certain Communications from the Chief Engineer explaining the present position in respect of the proposed site for use in the Kakasa temple.

From. The Asst Secy P.W.D.

D.O letter No. 524 of 24/3/33.

States that the Superintending Engineer mysore Circle has been instructed to pay the rent due to the Bangalore Bank and take possession of the car before the end of the month.

Send with a draft letter to the Muz. Commr.

24/3/33

B/4.

Asst Secy)

For approval

5/4/33

21

3) 6/4

6/6

No. 1452 of 13/4/33 to the M.C. forwarding copy of the letter from the Secy. P.W.D.

15/4

NOTE—Contn. Sheet

20/ New Temple Cube at Kalasa

Mysore File No. 157 of 1934. General and Revenue Secretariat

Letter No 1710 dated 23.12.35
from the M.C in Mysore

Submits for orders the original correspondence between himself and the P.W.D in the matter of construction of a car for the Temple at Kalasa, requesting for the present a loan of Rs 2428 to the Lower Temples and states that it will not be fair to charge this cost to the Main temple.

3) The facts of the case are as detailed below:-

1) Sanction was accorded by Govt in September 1924 for the construction of a new car for the use of the Sri Kaleshwaraswami Temple at Kalasa at a cost of about Rs 6000/- and to advance to the approved Contractor, a sum not exceeding 50% of the estimated cost, on securing from him adequate security, and after obtaining proper Muchalikas from him, the balance being paid to him on delivery of the car at the Temple.

2 The Firm of Messrs Chikagas Lakshmiah & Sons, Bangalore city, was entrusted with the above work, with the approval of the Chief engineer; and the contractors were also paid a sum of Rs 2000 as per orders of the same Officer in December 1925, on personal security

K

Serial No.

of the proprietor of the Firm, and also after getting a Mutchalika. The body of the car was nearing completion in June 1926 when the firm began asking for extension of time from August 1926, which was granted by the P.W.D piecemeal from time to time; the last extension of 6 months and a further advance of Rs 1000 was asked for by the firm in March 1928. A further extension of 3 months was granted by Govt in July 1928 with the direction that adequate security for Rs 3,150 should be taken. This time limit by which the work was to be completed expired on 26.10.1928 and the car was not ready and no material progress was visible. The M.C reported in November 1928 to Govt that

(i) that adequate security was not taken from the firm for the total sum of Rs 2425 already advanced to it;

(ii) that departmental arrangements may be authorised to be made to complete the car;

and

(iii) legal proceedings may be taken against the defaulting Contractor for recovery of the amount advanced to him.

3) proposals (ii) and (iii) above of the M.C were approved by Govt in January 1929, and formally sanctioned in June 1931. It was also directed that prompt action should be taken by the P.W. in Consultation with the Mussaii Commissioner as

WD 0484—GPB—15,000—12-10-33

File No. of 193 .

General and Revenue Secretariat

Serial No.

regards the arrangements to be made for completion of the car.

39/ From the report furnished by the Chief Engineer as regards the result of action taken in pursuance of the above G.O.C. order, it will be seen that the unfinished car hitherto has been taken possession of by the Executive Engineer, that the Revenue Dept which has requested to take charge of the car and complete the construction departmentally has refused to take it up in that stage and the points at issue have narrowed down to the question of reimbursement by the P.W.D to Messrs Temple, the loss in hull, sustained in the construction on account of the advance made to the firm to the extent of Rs 2488 ~~in advance Deccan~~

40/ The M.C points out that in spite of repeated specific orders of Govt to make advances to the contractors only, on adequate security being taken therefor, the local P.W.D. officers have evidently acted contrary to these orders and that it would not be fair to charge the temples the loss occasioned by the failure on their part to take needful precautions. The M.C. has submitted the matter for the orders of Government

New car for Kalasa Temple – Loss incurred – Reimbursement to the Temple

General and Revenue Secretariat | File No. | of 193 [App. F. III—2

Serial No.

41) Legal proceedings to recover the amount due from the Contractor, do not seem to have been taken, perhaps on the ground that no amount can be so recovered from him, as he is said to be in insolvent condition.

42) In the circumstances, the Chief Engineer may perhaps be asked to ascertain and report who the P.W.D. Officer was, that had responsible for advancing a total sum of Rs 24,38 to the Contractor in 1926, without obtaining adequate Security from him Contrary to the Govt orders & how he proposes to recoup the Corporations of the Temple

43) Submit for orders.

12/1/15

44) This may be sent to the C.S. & C.O.S for remarks.

16/1/34

16-1-34.

18/1/34

45) Forwarded with Compliments, unofficially to the Chief Engineer in Mysore for favour of remarks.

By order.

Bangalore
Dated 18.1.1934

for P.A. Secretary to Govt
BRE

GEN. & REV. SECRETARIAT
No 83
19 JAN. 1934

No. 264/33-34

23/1/34

NOTE—Contn. Sheet.

23/1/34

WD 0431—GPB—15,000—12-10-33

2.4)

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General and Revenue Secretariat

Serial No.

47) Returned with compliments.

2. The advance was made on 5-9-1926 by the Executive Engineer, Kurnool Division, on the personal security of the proprietor of the firm and after getting a mutchalika as approved by the Government in their Order No. 567/Mus.ff-24-2 dated the 5th September 1924. There can therefore be no question of reimbursement by the Public Works Department of the loss sustained to the temple.

3. The contractor was first advanced a sum of Rs 2,000/- and as work progressed, he was paid Rs 482/- on a bill prepared for the work done. After this, he refused doing further work as he became insolvant and his request for further advance was denied by Government.

Financial Secretary to Government.

mls R 1/2/34

U.O. No. 264/33-34 2-2-34

48) The chief Engineer has stated that the advance was made to the Contractor on his personal security after getting a Mutchalika as per G.O dated 5.9.24 and that the D.P.W cannot be asked to reimburse the loss sustained to the temple. The said G.O. states that "an advance of not more than the estimated amount may if necessary be given to the Contractor on adequate security, after obtaining mutchalikas from him". The term "adequate security" mentioned in the G.O. seems to mean and include not only the personal security of the Contractor, which is always implied

T

25

New car for Kalasa Temple - Loss incurred on Reimbursement to the Temple

General and Revenue Secretariat — File No. — of 193 . [App. F. III—2

Serial No.

in such contracts, but also some other substantial collateral security which in case of any breach of the contract, can be realised in full so as to reimburse the other contracting party the loss that might be sustained by the latter by such a breach. In the present case, the Executive Engineer Kadur division who advanced the money on 9.2.1926 to the contractor on the latter's personal security, does not seem to have carried out the clear instructions of the Govt order and his failure to do so has resulted in the present loss to the Temple.

4th/ It is therefore for consideration whether this officer may not be held responsible for the loss and he be asked to make good the loss in question.

5th Submitted with reference to para 4 above

Dy Secy 8/11 Pto

5th/ The Ch: Engr has stated above that "The advance was made on 9.2.26 by the E.E. Kadur on the personal security of the Proprietor of the firm and after getting a Mutchalika as approved by the Govt in their order No 367/Mtg 55-24-2 dt 5-9-24." This order (Hy T) required that adequate security shd be taken. The fact that the amount advanced cannot be recovered shows that "adequate security" was not taken. As such this act that none can be responsible for reimbursement by the Govt

NOTE—Contn. Sheet...

WD 0434—GPB—15,000—12-10-33

26/

New Car for Kalasa Temple — Loss incurred —
Reimbursement to the Temple

File No. of 193 General and Revenue Secretariat

Serial No.

cannot be accepted.

5th Again re C.E. says that the Contractor was first given an advance of Rs 200/- and 'as work progressed he was paid Rs 482/- on a bill prepared for work done'. Thus work to the extent of Rs 2482/- must have been executed when the 2nd amount was paid. How this could amount to Rs 500/- now is by no means clear.

5- The view taken by the Supt. in his letter dt 23.12.33 that the local PWD officers have acted, in recommending more & more advances to the Contractor from time to time without taking proper security, contrary to the orders of govt seems correct and it would not, as stated by him, be fair to charge to the temple the loss occasioned by the failure or neglect to take needful precaution.

6th The PWD may perhaps be called upon to complete the Car for the Amount of the original estimate and deliver the same in say 6 months time after the Contract of officers who have bungled.

9/2/34

OFFICE OF THE SECOND MEMBER OF COUNCIL. 13 FEB. 1934 No. S-12-35

H Secy)
2nd Mr)

Kalasa Temple car - Loss incurred.
- Reimbursement to the Temple

[App. F. III—2

General and Revenue Secretariat | File No. | of 193

CL

27 MAR 1934 | Serial No. 6045

Please speak to me
L 27/2/34

54/ A draft G.O is put up.

55/ 20/3

56/ Revised draft submitted as per my directions
3/3/34

59/ Put up typed draft please
as approved for submission to Govt.
9/3

60/ A typed draft G.O. is put up
9/3

61/ For approval
10/3/34

Govt)

2 Wlr + Addl copies

62/ 12/3

63/ It is clear that the action of the local PWD officers was partly responsible for the loss. There is no other alternative

25/3

64/ appl. Members of the temple committee have also made representations which are not considered in the G.O.
27/3/34

65/

WD 0434—GPB—15,000—12-10-33

28/3

Issue

OFFICE OF THE SECOND MEMBER OF COUNCIL. 27 MAR 1934 No. 6756

TYPING SECTION. 28 MAR 1934 GENL & R. SEC.

13 MAR 1934 No. 5665

NOTE—Contn. Sheet.

Serial No.

1324 - 6 / dated 3.4.1934 6

The Chief Engineer
& Munyci Comm
& Comptroller

directs the chief Engineer to arrange completion of the car and deliver it within 6 months to the Munyci officer and to report the actual loss sustained in the transaction with the names of the officers responsible and the actions proposed to be taken to make good the loss to the temple

B J
Secs
8/5/34

Letter No 10966 dated 6.6.1934 7.

from the chief Engineer of Mysore

Furnishes information on the particulars as called for above.

67/ It is reported that an estimate for Rs 6600 for completing the car was sent to the M.C on 15th January 1934 with the suggestion to get it finished locally and that orders thereon are awaited for taking further action. The action taken by the M.C is not known.

We will have to see as enclosures needed

68/ It is further stated that the actual loss sustained in the transaction has to be assessed, in the circumstances reported by the Superintending Engineer Mysore circle, at Rs 736.

L

69/ As regards the question as to

12-M 29/

Kalasa Temple case - Loss sustained - Reimbursement to Temple

[App. F. III—2

General and Revenue Secretariat — File No. 156 of 1934.

Serial No.

how the loss sustained, is proposed to be met by the Superintending Engineer, Shimoga with the O.P.W. Officers concerned, who from time to time acted with the funds received of course subject to their superior officers in case any irregularity and that as such it is very difficult to say who is to blame. He is therefore of opinion that the loss should be written off, and the Civil Engineer agrees with that officer in this opinion

71) Submit for orders with reference to paras 63-4

DOS 15/6 — 72 Please examine the figures given & the note made in the enclosure & send a note. 20/6

73 Submit with a separate note as discussed

Recd 5/7/34

74 Please type this note-Attd 8/14/7

75. Typed note is put up.

DOS 19/7/34

76 Submit with a note (for G) for orders. 19/7/34

H Leery)

TYPING OFFICE 14 JUL. 1934 GENL. & SECTT.

WD 0434—GPB—15,000—12-10-33

File No. of 193

General and Revenue Secretariat

Serial No.	

Serial No.

77 Loss sustained in respect of the construction of the Kalasa Temple Car.

T / The work was entrusted to the contractor in April 1925. About October 1925 the work turned out to be, it was estimated to be Rs.504/- The revised estimate for the work was approved by Government in September 1926, as also the payment to the contractor of an advance not exceeding 50% of the sanctioned estimate. In February 1926 a sum of Rs.2000 was actually paid as an advance to the contractor by the Executive Engineer, Kadur Division on the contractor's personal security, with the approval of the Chief Engineer.

K

(para 4) L 2. The Assistant Engineer Bangalore Sub Division is said to have recommended for a further advance to the contractor on the ground that the contractor had at that time executed work of the aggregate value of 24[illegible] (i.e.Rs.2482 already advanced plus Rs. 100/- proposed as a further advance).

L 3. The contractor's own statement in 1930 shows that he had turned out work of the value of Rs. 2,[illegible]0/- and not Rs.3482 as reported above. The Assistant Engineer's subsequent report dated 5th January 1932 shows that the cost of the work was estimated at Rs.4106/- The Superintending Engineer Mysore Circle states that the work done by the Contractor might have been very nearly Rs.[illegible] as claimed by the contractor in 1931 though it deteriorated subsequently due to want of care of the contract-

(para 6) L

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6 34

3)

File No. of 193 . | General and Revenue Secretariat

and exposure.

4. There are three variations in respect of the value of the work turned out by the contractor.

5. The Superintending Engineer has in his latest letter assessed the loss at Rs. 736/- It is not understood how this figure is arrived at.

6. The loss should be Rs. 2482 (advanced to the contractor) minus the value of the unfinished car taken possession of, which is mentioned as Rs. 500/- in Muzral Commissioner's letter dated 23rd December 1933. The latter is now estimated at Rs. 1166/- by the Assistant Engineer and Rs. 2000/- by the Superintending Engineer. The actual loss thus depends on the value of the unfinished car taken possession of.

7.8) The Asst Engr B'lore Dist D: 24/5/34 at para 2 supra who recommended a further advance of Rs 1000/- to the Contractor on the ground that work to the extent of Rs 3482/- had been executed cannot but be held responsible as his estimate of work was clearly wrong.

7.9. In these circs the Ch: Engr's recommendation to hold no one responsible for the loss & to write off my loss is for orders

19/7/34

I.S.

Please speak to me

31/8/34

Ch Secy)

Para 6 of Flag L

F

Rec'd back from the Finl Secy, with his notes on 29/8/34

Loss in connection with reconstruction of a bund [illegible] Kalasa [illegible]

Serial No.

Flag Y.

X. Security was the real security of the assets of the firm

(1) I have had a note put up which gives the facts more fully. I am afraid the loss is due directly to the unbusinesslike manner in which the matter was dealt with from beginning to end - first the direction of how that an advance could be given, or at all, only an adequate security was practically ignored. Secondly, the order of how that legal action should be taken to recover the dues of Government not promptly given effect to. Proposals were made, on the other hand, to give further advance to a person who was unable to repay what was already due! Lastly, the value of the work done by the contractor seems to be in some doubt. All these facts go to show that the P.W.D. officer who had the immediate handling of this matter have failed in their duty. Which particular officer or officers are responsible for the loss, it is difficult to say from the record before me. The matter should, I think, be further explained [redacted].

2nd member

RG 11/9/34

SECOND COUNCIL 13 SEPT. 1934 No. 1974

(2) I regret I cannot agree to the proposal of the Chief Engineer to write off the loss sustained by the temple. Successive Muzrai Commissioners had often clearly stated that the work has been entrusted and

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6 34

and advances paid without proper check or scrutiny. In the Government Order of the 5th September 1924, it was directed that the advance, if any is to be given at all, should be on adequate security. It is thus clear that the Public Works Department is entirely at fault in advancing money without taking proper precautions.

83 The Superintending Engineer makes the strange statement that "the Officers concerned have from time to time acted with the full knowledge and approval of their superior officers at every stage and as such, it is very difficult to see who is to blame". This shows clearly that neither the lower subordinates nor the great higher officers ever took a serious view of the matter. The manner in which the loss is variously estimated from time to time and by various officers shows that nobody took real pains to safeguard the interests of the Government.

84 Government ordered in their order dated the 3rd April 1934 that the local Public Works Department officials caused avoidable loss and that such loss should be made good. I see no reason for any reconsideration of this order.

85 As regards the recoupment of the loss, the total amount advanced to the contractor was Rs.2,482. Even estimating the value of the unfinished car at Rs.1,166 as stated by the Superintending Engineer in his letter of the 14th May 1934, the loss to be reimbursed is Rs.1,316. I would recover half of this amount from the local Public Works Department Officers responsible. The officials held responsible and the allocation ~~made~~ of the amount amongst them should be done by the Chief Engineer

Loss in connection with construction of a New Bay in a Kaccha Tank

34

Serial No.

Engineer and reported to Government. In similar instance of non-recovery of gutta etc. due to Muzrai Institutions, we have ordered partial recovery from the Amildars concerned. There is no other way of bringing home the responsibility to the officials.

86 I regret the file was delayed owing to pressure of other work and the need for studying all the records closely.

13/4

87) RR 16/4

88) Agenda may be the Member. 16/4
Orders may pass Should we have the re-consideration

18-4-35

664a 23/4

89) 23/4

99) A draft G.O. is prepared

25/4/35 GS 27/4

1447-9 Dated 4.5.35
The M.C.M. ...
a Chief Engineer ...
... "Tanks" ...
... states that ...
... necessary ...

DEWAN'S OFFICE 18 APR 1935 No 6136

1 MAY 1935 GENL & REV. SECTT.

WD 0434—GPB—15,000—12 10-33

35

File No. of 193 General and Revenue Secretariat

Serial No.

Note Re: Construction of a car for the Temple at Kalasa

30

There are two questions for decision in this action is due:-

I. Responsibility for the loss caused.

II. Arrangements for getting the work completed.

I. Re: Responsibility for the loss. This seems to be a case in which the Public Works Department appears to have dealt with funds placed at their disposal by the Mazrai Department, ~~rather unfairly~~ without due precautions.

In G.O.No.367-8/Muz.35-24-12 dated 5th September 1934 sanctioning the construction of a car for the Sri Kalaseswaraswami Temple at a cost not exceeding Rs.6,000/-, it was expressly stated that an advance of not more than half the estimated amount may, if necessary be given to the contractor on adequate security." In the face of this, the Chief Engineer in his letter dated 26th December 1925 to the Executive Engineer, Kadur Division authorised the payment of "an advance to the extent of Rs.2,000/- on the personal security of the proprietor of the firm; and a further sum of Rs.1000/- later on after sufficient progress was secured", and this authorisation was mentioned as made in accordance with the Government Order referred to above. "Adequate Security" cannot apparently be covered by "personal Security". Rs.492/- appears to have been paid to the contractor in November 1925 on a

bill, an advance of Rs.2,00[illegible] in February 1926. Under the agreement the finished car had to be delivered at the temple site in a satisfactory condition before 30th September 1926.

The Muzrai Department which provided the funds, appear to have had no voice either in the choice of the contractor, or grant of advances, and the responsibility for these rests entirely with the P.W.D.

The contractor was evidently unable to complete the work and the case seems to have dragged on for years in prolonged correspondence between the Public Works Department, the Muzrai Commissioner and Government. In July 1928, the Muzrai Commissioner reported to Government that he had personal knowledge of the firm's affairs and that it would not be able to complete the work, and recommended that if the work was not completed in 3 months time, legal steps should be taken to recover the advance from the contractor. In January 1929, Government approved of legal action being taken accordingly and the work being got completed departmentally (Muzrai).

The above order was not however given effect to immediately by the P.W.D. ~~and the Public Works Department~~ Relying on a promise of the contractor to complete

38

the work in 6 months if a further advance of Rs.1,000/- be given, the P.W.D again recommended to Government in July 1929 that the advance asked for might be given to the contractor on furnishing adequate security for the whole advance paid till then. This recommendation was based on an inspection of the work made by the Assistant Engineer, Bangalore Sub Division, on 18th May 1929 and a report submitted by him to the effect that by paying this sum of Rs.1000/- in addition to Rs.2,482/- previously paid, "we would not be paying anything above what his actual work at present might cost". This shows that the Asst Engr. then valued the work done at Rs.3,482/-. (The unspent balances with the Public Works Department had been re-credited to the Temple funds after the Government Order dated January 1929, and so they had no money with them to make any further advances). The Muzrai Commissioner was against making further advances and so no money was paid, but some more time was given to the contractor to finish the work, as a last chance. As this did not lead to any useful efforts, Government again ordered in Government Order dated 9th June 1931 that legal proceedings might be instituted against the contractor for recovery of the advance "after making sure that the amount can be got back from the party".

In the meanwhile, the Municipal Sir

P.T.O.

was attached by another creditor (Bangalore Bank) of the contractor and steps had to be taken to get it released. So instead of being able to recover advances made to the contractor, some money had to be spent for getting the half-finished work released from attachment.

H.Z.

After examining the facts of the case, Government held in their order dated 3-4-1934 that the failure on the part of the officers to take adequate security as required by Government Order of 1924 had led to avoidable loss to the Temple, and called for a report from the C.E. regarding the loss sustained and the officers responsible and the action proposed to be taken to make good the loss. The report now received from the Chief Engineer is to the effect that no one in particular can be held responsible for the loss and that it is to be written off. As regards the extent of the loss, the Superintending Engineer, ~~by a process of reasoning~~ estimates it at Rs.736/-. He says that the car can be completed by spending Rs.4,400/- more as per estimate submitted separately, and that inclusive of the amount of Rs.2,336/- advanced to the contractor the total amount to be spent by Government would come to Rs.6,736/-, as against the original estimate of Rs.6,000/- sanctioned by Government in 1924, & the loss may therefore be taken at Rs 736. This assumes that the available materials & Rs.4,400/- will give the car of the same specifications as were approved in 1924. If the question of responsibility of any of the officers is definitely fixed, the exact value

its present value and the further amount needed to complete the Car. The M.C. is not in favour of using existing materials of unfinished Car. Regarding the question of responsibility of the officers for the loss, the H.L

of the loss may perhaps be assessed more accurately after a fresh examination of the available parts ~~and the responsibility regarding the portion of the~~ superintending Engineer pleads that "the officers concerned have from time to time acted with the full knowledge and approval of their superior officers at every stage and as such it is very difficult to see who is at blame." This defence may have ~~excesses~~ application in the case of some officers, but it cannot absolve the whole Public Works Department, unless it can be explained how an advance on personal security was authorised by the Chief Engineer in December 1925, when the Government Order specifically directed that adequate security should be obtained.

Another point of note in this connection is that the Assistant Engineer, Bangalore Division, who examined the work in May 1929 estimated that work to the extent of Rs.3,492/- had been executed by then and recommended a further advance of Rs.1,000/- (which fortunately was not sanctioned). But whether the present low Comparative value of the available parts is due to deterioration and want of proper watch and ward, or whether the valuation in 1929 was an inflated one, it may not be easy to say at this distance of time and after so many vicissitudes.

The Supdg. Engr. estimates the present value of the unfinished car parts at Rs 1166/-. This too seems to need further verification H.L-para 6.

P.T.O.

II. As regards the question of arrangements for completing the car, the Chief Engineer says an estimate for Rs.4,400/- for getting the work finished locally was sent to the Mysore Commissioner in January 1934 and orders thereon are awaited. ~~No further information is available~~. The estimate dealt in this connection with the opinion of the Mysore Comr that arrangements shd be made to construct a new car-al together (without using any of the materials of the unfinished car at Bangalore) at some place near Kalasa, was sent unofficially to the C. E. on 28.8.34 for remarks & its reply is awaited.

CSA 11/9/34

GENERAL AND REVENUE SECRETARIAT

Dated, Bangalore, 23.9.31

D.O.No. 426
Muzrai. 427

43

Dear Sir,

I am desired to invite your attention to ~~this~~ ~~Government Order~~ ~~office/your letter/memo~~ No. 2609-31 dated 9-6-31 regarding the completion of the car for the use of Sri Kalaswamiji at Kalasa and to request the favour of a report of action taken on the permit referred to in the order ~~and subsequent reminders and to request that the reply to it/the submission of the further report (final reply) may be kindly expedited, as the case has long been pending.~~

Muz. 407-28-65

TYPING SECTION
21. SEP. 1931
ENL. & REVENUE SECTT.

Yours sincerely,

18.9.31

To The Chief Engineer
The Muzrai Commr.

Issue
18.9.31

Bangalore.

No. 3184

PUBLIC WORKS SECRETARIAT.

Dated Bangalore, 26th September 1931.

306 (44 .....1931 (45

Dear Sir,

Car for Sri Kalaseswarasvami at Kalasa.

I am in receipt of your D.C.letter No.496/Muz. dated the 23rd September 1931 on the above subject.

The Superintending Engineer was on receipt of the Government Order in question requested to take action in respect of the recovery of the advance amount and his report is awaited.

With regard to the construction of the car, the Muzrai Commissioner in Mysore has been intimated to request the Deputy Commissioner to have the car prepared through a separate agency as once proposed by him.

Yours sincerely,

V.Subramanyasastri, Esq., B.A.,
Assistant Secretary to Government,
General & Revenue Secretariat,
Bangalore.

No. 3184

PUBLIC WORKS SECRETARIAT,

Dated Bangalore, 26th September 1931.

28.9.31

306 (44

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With regard to the construction of the car, the Muzrai Commissioner in Mysore has been intimated to request the Deputy Commissioner to have the car prepared through a separate agency as once proposed by him.

Yours sincerely,

26/9/31

V.Subramanyasastri, Esq., B.A.,
Assistant Secretary to Government,
General & Revenue Secretariat,
Bangalore.

No 1710/27-28

368
1931

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, ... 193

(45)

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Secretary to Government of His Highness
the Maharaja of Mysore,
Department.

SIR,

AM/

660.

M C 13]

No. 1710/27-28

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE

Dated, Bangalore, 18. 193

From

S. HIRIANNAIYA, Esq, M A, B.L.,
Muzrai Commissioner in Mysore

To

[illegible] Iyengar, [illegible],
Secretary to the Government of His Highness
the Maharaja of Mysore
[illegible] *Department.*

Sir,

[illegible]

2. [illegible]

the car and to [illegible] letters nos.1710/27-28 dated 3rd July 1929 and 1710/27-28 dated 9th July 1929. So far I do not see about [illegible]

4)

In [illegible] letter No.[illegible] -- contractor did not [illegible] further extension wanted, legal [illegible] recovery of the advances. Again in the [illegible] No.1503/ uz.19-38-4 dated 8th January 1929 [illegible] were received that legal steps should be taken against the contractor. Both these orders were duly communicated to the [illegible] for further action. In-spite of this, no action was taken, but on the other hand the Chief Engineer recommended another advance of Rs.1000/- in addition to Rs.2433/- already paid, and extension of time for another six months in his letter No.147 dated 5th July 1929. No security having been taken as per the orders of Government, the Chief Engineer noted in this letter that adequate security should be asked to be taken. Again in his Un-official No.81 of 8th November 1930 the Chief Engineer asked for another extension of time for six months and further concessions. Thus the taking of legal proceedings -- against the defaulting contractor was dragged on and postponed by the Public Works Department till the Government order of 9th June 1931 was passed. From the Chief Engineer's letter received it looks as though no legal steps have been taken even now. The Public Works Department Officers have failed to take proper ---- security before payments of heavy advances were made, from the contractor whose solvency was doubtful from the commencement, in spite of warnings and misgivings conveyed in this office communications and the orders of Government. Now the car too is attached by the creditor bank and I am extremely doubtful if the amount will be recovered from the man. A heavy responsibility having been -- taken by the Public Works Department Officers, if they fail to - recover the sum from the Contractor.

I request the favour of early orders in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

Executive Engineer.

Letter No. 655 dated 17th November 1951 from the Chief Engineer of Mysore to the Amildar of Tiptur.

48

Construction of a new car for the unfinished railless trolley car at Halusa in the Tiptur Taluk.

With reference to your letter No.1710/47-48 dated the 3rd November 1951, enquiring whether the new car is to be built or the one built partly by the defaulting contractor is available for completion I have the honor to inform you that the half finished car has been attached by the Bangalore Bank for the amount due to them by the Contractor in addition to the workshop building owned by him and that the Superintending Engineer, Mysore Circle, has, under the orders of Government, been asked to institute legal proceedings to claim the unfinished car and to recover the balance amount of the advance from the Contractor. If the unfinished car has to be utilised, the results of the legal proceedings have to be awaited.

"Copy"

For Huzrai Commissioner.

I have the honor to forward ----

672

M. C. 13]

No. 1710/27-8
Encl 2

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore,..... 193
22

FROM

S. HIRIANNAIYA, ESQ,. M.A., B.L.,
Muzrai Commissioner in Mysore.

To

....
Secretary to the Government of His Highness
the Maharaja of Mysore.
..... *Department.*

SIR,

In [illegible]

24/12 [illegible]

orders [illegible]

The file on the subject is
before the Financial
Secy (Dno 660 dated 23/12/31)
I approved this note. The
file is obedient
sorted in Confirmation after the
the Financial Secy. for
orders
Fl. Secy) 26.12.31

Hiriannaiya

26/12/31
Submitted. This file has since
been sent from the Secy's office
Sent to the Engg. unofficially today -
This will be worked out on return of
the file with the C. E's remarks
28/12/31 Yrs 28.12.31

Kidur District, [illegible]

I [illegible] to [illegible] the [illegible] of the [illegible] of the [illegible] on [illegible] the [illegible] of [illegible] between [illegible] and [illegible] Chittra Parishad [illegible] allotted. [illegible] dated 3-1-[illegible] received [illegible] our [illegible], received [illegible] of the [illegible].

"Copy"

For Inspecting Commissioner.

The work is [illegible] by Government in their order No.357-B/Inv.55-54-2 dated [illegible] 4.)

"Copy"

For Inspecting Commissioner.

Co

S /

"C o p y"

For

Mlly Dno 758 (207)

No. 9962
Encls:

PUBLIC WORKS SECRETARIAT, 32

Dated Bangalore, 15-1- 1932

FROM

M.G.Rangaiya, Esq., B.A., B.L., Etc.,
~~V.BHORE, ESQ., A.M.I.C.E., Etc.~~
Chief Engineer of Mysore,
~~Secretary to Government~~
Public Works Department,
Bangalore.

To

Mlly 150-31-3

Rajasevaparayana

B.Srinivasa Iyengar, Esq., B.A., B.L.,

Financial Secretary to Government,

B A N G A L O R E.

SIR,

CONSTRUCTING A NEW CAR TO THE SRI KALASESWARASWAMY TEMPLE AT KALASA, MUDIGERE TALUK.

In continuation of this office un-official No. 188 dated the 6th January 1932 addressed to you on the above subject, I have the honour to inform you that the value of the unfinished car as -- estimated by the Assistant Engineer, No. 1 Sub Division is Rs.1,221/- as now reported by the Executive Engineer, Bangalore Division.

I have the honour to be,

S I R,

Your most obedient servant,

K.Rajalu 13 1/32

FOR CHIEF ENGINEER OF MYSORE.

B.N.H.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT,

53

Dated, Bangalore, 26th Jany. 1932

No. FT 1017 & 3
My 150-31-Le

From

Rajasevaparayana
B. SRINIVASA IYENGAR, Esq., B.A., B.L.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

S. Hiriannaiya Esq., M.A., B.L.,
Muzrai Commissioner in Mysore, Bangalore.

Sir,

With reference to the correspondence ending with your letter No.1710/27-28 dated the 21st/22nd December 1931 in the matter of the Kalasa temple car, I am directed to forward herewith for your information copies of the Chief Engineer's unofficial note No.188 dated the 6th January 1932 and of its enclosure as also of letter No.9962 dated 15th January 1932 from the same officer, explaining the present position of the case.

I have the honor to be,

Sir,

Your most obedient servant,

A Narasa Rao

for Financial Secretary to Government.

Appendix F G—1]

54

SUBJECT .....

.....

.....

Section Imyzai

File No. 156-31

Serial No. 4.

Diary No. of letter replied to 672

No 1017 Enc 3.

To

The Imyzai Comr,
Bangalore.

General and Revenue Secretariat
(Imyzai)
the *193* .

Date of issue 27/1/32

Signed by Mr A Subbarao

Sir,

With reference to the correspondence ending with your letter No 1710/27-28 dated the 2 1st/22nd Dec 1931, ~~requesting~~ on the ~~item~~ instance of the Dy Comr, Madura Dt, that ~~certain~~ arrangements may be made for ~~the early completion~~ in the matter of the Kalasa Temple cire

List of enclosures .....

Copied by .....

Examined by .....

Cost of the reclaim of
No 24827 — returned
to the Public Works
Dept for the execution
of the work. I am directed
to forward herewith
for your information Copies
of the Chief Engineer's official note
No 188 dated the 6th January
1932 from the Chief Engineer
as also of a copy of letter no 9962 dated 15th January 1932 from
the Contractor, and Chief Engineer's same
to state that all possible
action is being taken
to expedite the completion of the
reclaim. The disposal of the question
of the Cost

I have the

explaining how the The
action pursued in fixing the cost

Yours
22/1/1932
for Secy to Govt

C.S.

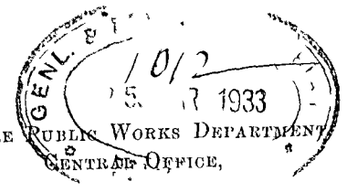
8/1/32

Secy
23/1/32

Copy sent to
P.W. Dept
23/1/32

D.O. No. 524 M

MYSORE PUBLIC WORKS DEPARTMENT
CENTRAL OFFICE,



56

Recd 25/3/33

Dated Bangalore, the 24th March *193* 3.

Dear Sir,

With reference to your D.O. letter No.1323/Muz. dated the 14th March 1933, enquiring the stage at which the question of releasing the half-finished car and taking possession of it, stands now, I write to inform you that the Superintending Engineer, Mysore Circle, has been instructed to pay the rent due to Bangalore Bank and to take possession of the car before the end of the month.

Yours sincerely,

VD Lakshmanachar

24.3.33

B.Muddukrushnappa, Esq., B.A.,
Asst. Secretary, Financial Branch,
G.R.S., Bangalore.

endix F G—1]

5)

BJECT .....

.....

.....

Section Mus

File No. 150-31

Serial No.

ry No. of letter replied to .....

No. 1454 Income

To

The Music Commr
in Mysore

General and Revenue Secretariat

( )

the 193 .

of issue 13/4/33

ed by B. Muddaiah Asst

Sir — — I am directed to invite reference
~~In Continuation of Correspondence~~
to this Office letter No. 1017/Mus.150-31-4
~~ending with this Office~~ D.O letter No. 1323
of 27.1.32 in the matter of the Kalasa
~~of the~~ 3 ~~about the release of the half~~
Temple Car, and to
~~finished Car of the Sri Rajeswaraswami~~
~~temple at Kalasa I am directed to~~ for
forward
~~herewith~~ herewith a copy of D.O letter No.
March 1933 in the matter received
~~from~~ from the Assistant
Secretary P W D.

I have etc.

5/4/33 Trd. Secy to Govt.

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

58

1454 Secret 13-4-33

Muz 150-31

The

The Muzrai Commissioner in Mysore.

I am directed to invite reference to this office letter No.1017/Muz. 150-31-4 dated 27th January 1932 in the matter of the Kalasa temple car, and to forward herewith a copy of D.O.letter No.524 dated the 24th March 1933 in the matter received from the Assistant Secretary, Public Works Department.

I have the honour to be,
Sir,
Your most obedient servant,

Financial Secretary to Government.

TD

M. C. 13]

No. 1711/37-38

Rec'd 17-12-38

GEN. BR. 717 17 DEC 1938

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore, 14th December 1938.

Lldg 150-31 5

From

N. Madhava Rau, Esq., B.A., B.L.,

Muzrai Commissioner in Mysore.

To

S. Srikantia, Esq., B.A.,

Secretary to the Government of His Highness
the Maharaja of Mysore.

Financial *Department.*

Sir,

With reference to correspondence ending with your letter No. 1454/Muz.150-31 dated 13-9-38 re: the car of the Sri Kalatesvaraswami temple at Kalasa, I have the honor to forward herewith in original for reference and return correspondence that took place subsequently between the Chief Engineer of Mysore and this office.

2. In his letter dated 17-8-38, the Chief Engineer, while stating that the unfinished car with parts attached by the Court for the amount due to the Bangalore Bank, Ltd., from the defaulting Contractor, has been taken possession of by the Executive Engineer, requested that arrangements may be made to take charge of the car and complete the construction departmentally. In reply it was stated that the Revenue Department cannot take it up at this stage and the Chief Engineer was requested to intimate as to how he proposed to reimburse to the temple the full amount of the advance made to the contractor. The Chief Engineer states in reply that sum of R 2336/- has so far been spent on the car, and its parts since taken possession of are valued at R 500/- due to deterioration and damage, that an estimate for R 6,300/- for completing the car is under scrutiny and that as the advance to the Executive was with the sanction of Government, his Department cannot reimburse the loss to the temple. He states further that no security was taken from the contractor before advances were made.

3. The Government Order of the 5th September 1934 and your letter of the 26th July 1926 addressed to this office [illegible]

adequate security being taken for the advance made to the contractor. The instructions conveyed in the latter were communicated to the Chief Engineer with this office letter dated 14-8-1928 and he was requested to take sufficient security before extension of time was given, as then prayed for by the contractor. Reference is also invited to the Chief Engineer's letter No. T 13668 dated 4-4-1925 to the Executive Engineer where he directed that the full amount less 15% would be paid soon after delivery and the balance after the car was found satisfactory in use for two working seasons. In recommending, therefore, for more and more advances from time to time, to the contractor without taking proper security in spite of the fact that the Firm was failing and doubts were expressed as to its soundness, the local P.W.D. officers have ~~wrongly~~ evidently acted contrary to the orders of Government and it would not be fair to charge to the temple the loss occasioned by the failure on their part to take needful precautions.

4. In the circumstances stated above, I submit the matter for the orders of Government.

I have the honor to be,

Sir,

Your most obedient servant

Muzrai Commissioner.

Docket No.P.W.13008 dated 4-4-25 from the Chief Engineer of Mysore, Bangalore, to the Executive Engineer, Kadur Division.

Construction of a car to the Sri Kalaseswaraswami temple at Kalasa.

Adverting to correspondence ending with his letter No.91 dated the 13th February 1925, has the honor to inform the Executive Engineer that the work of constructing of the car to the Sri Kalaseswaraswami temple at Kalasa may under the circumstance reported by him, be entrusted to Messrs. Chitragar Lakmiah & Sons of Bangalore.

2. All joinery work should only be assembled painted or fixed in position after they are passed by the Executive Engineer or any other officer deputed by the Chief Engineer.

3. The firm may be informed that the full amount less 15% will be paid to them soon after delivery and the balance will be paid after the car is found satisfactory in use for two working seasons.

4. The rough estimate is herewith returned.

5. The enclosures received with his No.137 dated the 13th March 1925 are al th returned.

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No.13609 Dated 4th April 1925.

Copy of the above is forwarded with compliments to the Muzrai sioner in Mysore for information with reference to this office No.1. dated the 12th February 1925.

Sd/- J. Phore,
Chief Engineer of Mysore.

"COPY"

For Muzrai Commissioner.

Proceedings of the Government of H.H. the Maharaja of Mysore.

R e a d:-

G.O.No.367-8/Muz. 55-23-12 dated 5th September 1924 sanctioning the construction of a car for the use of the Sri Kalaseswaraswami Temple at Kalasa at a cost not exceeding Rs 6,000 and directing that tenders should be called for and orders placed with the successful bidder and that an advance of not more than half of the estimated amount may, if necessary, be given to the contractor on adequate security after obtaining proper mutchalikas from him and the rest paid on delivery of the car at the temple.

2. Government Order conveyed to the Muzrai Commissioner in No.210/Muz.19-28-2 dated 26th July 1928 approving of his proposal to allow a further time of 3 months to the firm of Messrs Chitragar Lakshmiah and Son., to whom the construction of the car referred to in the above Government Order was entrusted by the Public Works Department, to cancel the contract if the work is not completed by that time and steps ~~taken~~ for the recovery of the advance made to the firm and directing that before taking action accordingly, adequate security for the amount of Rs 2,492 already advanced to the firm by the Public Works Department should be taken.

3. G.O.No.2629-31/Muz.407-28-65 dated 9th June 1931 approving of the proposals of the Chief Engineer to institute legal proceedings for the recovery of the amount

advanced to the contractor who failed to complete the work in question, after making sure that the amount can be got back from the party.

4. Correspondence ending with letter No.1710/27-28 dated 23rd December 1933 from the Muzrai Commissioner reporting that he has refused, as desired by the Chief Engineer, to take charge of the unfinished car and parts valued at Rs 500 now in the possession of the Executive Engineer, Buildings Division, Bangalore, and complete the construction departmentally and that the Chief Engineer has declined to reimburse to the temple the full amount of the advance made to the defaulting contractor and opining that it would not be fair to charge to the temple the loss occassioned by the failure on the part of the Public Works Department to take needful precautions.

5. Unofficial Note No.264/33-34 dated 2nd February 1934 from the Chief Engineer in Mysore on the subject.

Order No. 1324-6/Misc 150-31-6 Income tax Collection

Dated, Bangalore the, 2.4/34.

The Chief Engineer is of opinion that there can be no question of reimbursement by the Public Works Department of the loss sustained to the temple on account of the construction of the car in question, as the advance in respect of it was made by the Executive Engineer, Kadur Division, on the personal security of the Proprietor of the

firm in question and after getting a mutchalika as approved by Government in their Order dated 5th September 1924 read above. Government are not prepared to accept the above view of the Chief Engineer and consider that the loss to the temple could have been avoided if adequate security for the amount advanced had been taken from the contractor, as laid down in ~~the~~ Government Order dated 5th September 1924 and reiterated in Government Order dated 26th July 1928 read above. They also consider that the local officers of the Public Works Department have acted, in recommending ~~[illegible]~~ advances to the contractor ~~[illegible]~~ without taking proper security, contrary to the orders of Government and thereby caused avoidable loss to the temple and that such loss should, as far as possible, be made good to the temple.

Government accordingly direct that the Chief Engineer may arrange to complete the car and ~~to~~ deliver the same within six months from now to such officer as the Muzrai Commissioner might appoint in this behalf and report the actual loss sustained in the transaction, with the names of the officers responsiole and the action proposed to be taken to make good the loss to the temple.

Financial Secy. to Govt.

19/3/34

To

The Muzrai Comr. with records
The Chief Engr. in Mysore
The Comptroller to Govt.

psk.

64

1322
8 - JUN. 1934

Tel. Address:—"MYSORWORKS

No. 10966
Encls. 2

PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore, 6th June 1934.

Muz 150 - 31 - 7

FROM

Diwan Bahadur N.N.Ayyangar, Esq., B.A., L.C.E.,
Chief Engineer of Mysore,
Bangalore.

To

S. Shamanna, Esq., B.A.,
Financial Secretary to Government,
Bangalore.

Subject:- Construction of a car to the Sree Kalaseswaraswami Temple at Kalasa.

Sir,

With reference to G.O.No.1324-6/Muz.150-31-6 dated the 2nd April 1934, I have the honour to forward herewith for information, a copy of letter No.B.2047 dated the 14th May 1934, together with that of its enclosure, from the Superintending Engineer, Mysore Circle, submitting a detailed report on the above subject and to state that I agree with the Superintending Engineer in recommending the loss in question being written off, under the circumstances reported by him.

2. The estimate amounting to Rs 4,400 for completing the car was forwarded to the Muzrai Commissioner in this office No.6786 dated the 15th January 1934 with suggestion to get it finished locally and orders thereon are awaited for taking further action.

I have the honour to be,
Sir,
Your most obedient servant,

5/6/34.

Chief Engineer of Mysore.

V.N.S.

Letter No.B.2047 dated 14th May 1934 from the Superintending Engineer, Mysore Circle, to the Chief Engineer of - Mysore, Bangalore.

Construction of a Car to the Sri Kalaseswaraswami Temple at Kalasa.

With reference to your Memo No.9538 dated 12-4-1934 forwarding a copy of G.O.No.1324-6/Muz.150-33-6 dated 2-4-1934 directing that the car should be completed by this Department within six months and calling for a report (a) on the loss sustained by this transaction, (b) the names of the Officers responsible and (c) of how the loss is proposed to be met etc., I have the honor to state as follows:-

(a) The loss sustained in this transaction:-

2. The work was entrusted to the contractor in April 1925. The Chief Engineer in his letter No.3218 dated 12-9-1925 intimated the Executive Engineer, Bangalore Division, that the contractor was pressing for an advance, and as the work had to be completed by January next, in time for the Car festival, directed the inspection of the work done so far, and a report sent to the Executive Engineer, Kadur Division, with a bill.

3. From a report dated 6-10-1925 available in the Bangalore Division file, it is seen that the work then done was valued at Rs 504/-. As the Government Order No.356-8/Muz.55-23-12 dated 5-9-1924 contemplated the payment of an advance not more than 50 percent of sanctioned amount, the then Executive Engineer of the Kadur Division Mr.N.Subba Rao, paid on 9-2-1926, a sum of Rs 2,000/- taking a mutchalika on the personal security only, as approved in Chief Engineer's No.8373 dated 21-1-1926 as noted by Mr. B.Garudachar on the agreement.

4. From a letter No.1557 to the Executive Engineer, - Bangalore Division from the Assistant Engineer, No.II. Sub Division, Bangalore, it is seen that he recommended for a further advance of Rs 1,000/- and reconsidered that sum together with the sum of Rs 2,482/- already paid would be the value of the work so

for

far done.

5. A statement submitted by contractor in 1931 (copy - enclosed) also makes out the cost of the work to be Rs 2,000/- Subsequent work not being done, the Assistant Engineer in his letter No.911 dated 5-1-1932 reported the cost of this same work to be Rs 1,166/-. The discrepancy seems to be accountable to the fact that it being a lumpsum contract, the valuation could only be approximate making due allowance for their condition at the time (Please Vide No.1843 dated 26-1-1932)

6. The Executive Engineer, Buildings Division in his No. 263 dated 10-10-1933 (copy submitted in this office No.723 dated 27-10-1933) reported that the cost of the parts since recovered from the Bangalore Bank was valued at Rs 500/-. Other fittings pertaining to the car (except the body and the five lions received through the bank) were acknowledged by the Assistant Engineer in his No.1081 dated 28-1-1932. It is therefore evident that the valuation of the incomplete car should be Rs 1,166/- and not Rs 500/- only and that, even taking into account the deterioration, I think I should not be incorrecr in stating that the work done by the contractor might have been very nearly Rs 2,000/- as he claimed it in 1931, that it certain deteriorated subsequently due to want of care and exposure by the contractor.

7. (b) An estimate for Rs 4,400/- for completing the car inclusive of a provision of Rs 550/- for taking it to its destination is seen to have been forwarded by you to the Muzrai - Commissioner. Hence a sum of Rs 2,336/- plus 4,400 or Rs 6,736/- will be the ultimate cost of the car.

8. The lumpsum contract having been approved for Rs 6,000/- the loss involved by the transaction has to be assessed at Rs 736/- and not at Rs 1,810/- as stated by the Superintending Engineer, Shimoga Circle.

9. As regards how the loss is proposed to be met, it has to be submitted that the Officers concermed have from time to time acted with the full knowledge and ap roval of their -

their superior Officers at every stage and as such it is very difficult to see who is to blame.

10. I am therefore of opinion that the loss should be - written off as already suggested by you previously to Government.

Statement showing the amount of work now done and to be done on the car for Sri Kalaseswaraswami temple of Kalasa by - Chitragar Lakshmaiya and Sons, Bangalore City.

No.	Particulars.	Approximate value of work done.	Value of work when it is - completed.	Balance.
1.	Brass Kalasam and chetry	-	150	150
2.	Pillars & five tiers of dome.	-	900	900
3.	Cloth work of dome flags	-	500	500
4.	Sundry iron fittings	50	100	50
5.	Body of car	750	1400	650
6.	Axles.	-	150	150
7.	Wheels.	100	500	400
8.	Dwarapalakaru	500	600	100
9.	Gandharvaru	300	400	100
10.	Lions	300	400	100
11.	Sarathi & Horses.	-	250	250
12.	Painting.	-	150	150
13.	Transshipment.	-	500	500
	Total	2,000	6,000	4,000

Sd. R.W.Scaldwell,
Superintending Engineer,
Mysore Circle.

" Copies "

P. Lakshmanachar
For Chief Engineer of Mysore.
5.6.54

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G.R.S. EEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
SU THE MAHARAJA OF MYSORE.

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Read :—

Government Order No.1324-6/Muz.150-31-6 dated 3rd April 1934 directing the Chief Engineer of Mysore to arrange for the completion of the Kalasa Temple Car and to deliver the same within six months to the Officer to be appointed by the Muzrai Commissioner in this behalf and calling for the submission of a report as to the actual loss sustained by the Temple in the transaction with the names of the officers responsible for and the action proposed to be taken to make good the loss to the Institution.

2. Letter No.10966 dated 6th June 1934 from the Chief Engineer of Mysore submitting a detailed report called for in the order read above and recommending sanction to write off the loss in question, in the circumstances explained therein.

ORDER NO: 1447-8/Muz 150-31-8

Dated, Bangalore, the 2nd May 1935.

Government regret that they cannot agree to the proposal of the Chief Engineer to write off the loss sustained by the Kalasa Temple. Successive Muzrai Commissioners has clearly stated that the work was entrusted to contractors and the advances were paid without proper check of scrutiny. In Government Order No.367-8/Muz.55-23-12 dated 5th September 1924 it was directed that the advance, if given at all, should be on adequate security. It is thus clear that the Public Works Department is entirely responsible for advancing money without taking proper precautions.

Government also observe that neither the lower subordinates nor the local higher officers ever took a serious view of the matter. The manner in which the loss has been various

G.R.S. App. F VI—G 22

mated from time to time and by various officers shows that the officers did not take any pains to safeguard the interests of the Government.

Government have in their proceedings dated 3rd April 1934 read above considered that the local officers of the Public Works Department have caused avoidable loss in the transaction, to the temple and they have directed that such loss should be made good to the temple. Government see no reason for any reconsideration of this order.

As regards the recoupment of the loss, the total amount advanced made to the contractors Messrs.Chitragar Lakshmiah and Sons, Bangalore City, was Rs.2,482/-. Even estimating the value of the unfinished car at Rs.1,166 as stated by the Superintending Engineer in his letter of the 14th May 1934, ~~referred to above,~~ and the loss to be reimbursed is Rs.1,316, Government are pleased todirect that half of this amount should be recovered from the local officers of the Public Works Department responsible for the loss and ~~direct~~ that the fixing of the responsibility among the officials of the Public Works Department and the allocation of the amount amongst them should be done by the Chief Engineer and a report as to the result of action taken ~~thereon~~ submitted to Government.

for Chief Secretary to Government.

To

The Muzrai Commissioner in Mysore.

" Chief Engineer of Mysore.

" Comptroller to Government.

S.R.5

G.R.S. App. F VI—G 2]

SUBJECT .....

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..... 72

Diary No. of letter replied to .....

Section

File No. 150-31

Serial No. 8

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ..4..5.. 193 5.

Mr V. Madhava Rao. V

Signed by .....

Read— G.O.No I 324-6/Mesg/150-31-6 dated 3.6.1936 directing the Chief Engineer of the State to arrange for the completion of the construction of the Kalasa Temple and to deliver the same to the officer to be appointed by the M.C in their behalf calling for a report as to the actual loss sustained by the Temple in the transaction, with the names of the officers responsible and the action proposed to be taken to make good the loss to the Institution.

Letter No 10.966 dated 6.6.1936

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order thereon.—No.

Dwd 2/

From the Chief Engineer Mesopotamia
Submitting a Petition dated 22/1/24 from
Call of Varin the Ordr. cad above
on the above subject and recommending
Sanction to write off the Loss in
question, in the circumstances
explained therein.

Order 1447—8 Encl 5 M. C.

Govt regret that they can not
agree to the proposal of the Chief
Engineer to write off the loss
sustained by the Kalasa Temple.
Successive Mesopotamia Commissioners have
clearly stated that the work had
entrusted to contractors and the advances were paid
without proper check or scrutiny.
See Govt order No 367-S/Mary 557-23-12
dated 5th Sept 1924 it was directed
that the advance, if any to be
given at all, should be on adequate
security. It is thus clear that the
P. W. D is entirely responsible for
in advancing money without

List of Enclosure.

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Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

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taking broken breach Hand.

The Superintending Engineer has in his letter No B 2047 dated 14th May 1934 to the chief Engineer made the strange statement that the officers concerned have from time to time acted with the full knowledge and approval of their superior officers at every stage and as such, it is very difficult to see who is to blame in this. Govt also observe Shows clearly that neither the lower subordinates nor the local higher officers ever took a serious view of the matter. The manner in which the loss has been is variously estimated from time to time and by various officers shows that the officers did not take any Look Seat pains to safeguard the interests of the Government Government have in their

WD 0186—GPB—15,000—6-9 34

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Proceedings dated 3.4.1954
read above, have considered
that the local P.W.D officers &
the P.W.D have caused undue
loss in the transaction, to the
Temple and they have directed
that such loss should be
made good to the Temple
Government see no reason
to ~~[illegible]~~ for any
reconsideration of this order.

As regards the recompense
to the loss, the total amount
advanced made to the Contractors
Messrs Chikkajar Lakshmaiah
& Sons Bangalore City has
Rs 2,482. After assessing
the value of the unfinished car
at Rs 1,166 as stated by the
Superintending Engineer in his
letter of the 14th May 1954, ~~[illegible]~~
the loss to be reimbursed is
Rs 1,316. Govt are pleased

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

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to direct that half of this amount should be deducted from the Grant Estimates of the P.W.D. responsible for the ~~[illegible]~~ and further that the Chief Engineer is requested to investigate and report to Govt. the names of the officers who should be held responsible for the loss and also the allocation of the amount amongst them.

For Chief Secretary to Govt.
25/4

The D.C. in Messrs Chief Engr to Govt & Chief Secretary to Govt

that the Officials of the P.W.D. who should be held responsible and the allocation of the amount amongst them should be done before C.E. submits a Report as to the result of action taken.